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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,335	02/11/2005	Toshihiko Ohashi	MAT-8666US	6948
23122	7590	03/07/2007		
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			EXAMINER KING, BRADLEY T	
			ART UNIT 3683	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/524,335

Applicant(s)

OHASHI ET AL.

Examiner

Bradley T. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,7,9,11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4,7,9,11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of species II in the reply filed on 12/11/2006 is acknowledged. The traversal is on the ground(s) that claim 2 has been amended to be generic to both species. This is not found persuasive because it is maintained that the species are distinct. As generic claim 2 is not allowable, the restriction has been maintained.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 7, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai et al (JP 5-116571) in view of JP 8-094684.

Sakai et al. teach a power supply apparatus for a vehicle, comprising: a battery for supplying electric power to the brake via the electronic controller; an auxiliary power supply including a capacitor unit and a detection unit for detecting an abnormality in the capacitor unit, the auxiliary power supply supplying electric power to the brake via the electronic controller when the battery is in an abnormal state. (Abstract) Sakai et al lack

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the implementation of the power source with a brake including an electronic controller for outputting information for controlling braking of the vehicle to a brake based on at least one of information from a brake pedal and information in response to a moving state of the vehicle. The examiner takes official notice that the above limitations are well known components in braking control systems. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the auxiliary power supply of Sakai et al to provide power to a brake system as known in the art, to thereby provide the benefits of safety and redundancy to vehicle braking systems. Sakai further lack the recited details of the abnormality detection. JP 8-094684 teaches a method of inspection of a capacitor including measuring an internal resistance value, a capacitance value from a rate change of the voltage and determining an abnormality. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the inspection method as taught by JP 8-094684 to determine abnormalities in the system of Sakai et al to provide proper abnormality detection and ensure adequate power supply. See [0007] of JP 08-094684, which also discloses measuring a voltage increase from the start of charging.

Regarding claims 11 and 13, note that the reference measures the values until a predetermined voltage is reached, thus the measurements are necessarily multiple and can be considered composite as the values are determined based on the entire range.

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Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai et al (JP 5-116571) and JP 8-094684 as applied to claims 2-3 above, and further in view of Lew et al (US# 5627325).

Sakai et al (JP 5-116571) and JP 8-094684 disclose all the limitations of the instant claims with exception to the disclosure of temperature compensation. It is well known in the art and further demonstrated by Lew et al to compensate for temperature when measuring resistance and capacitance. Note Column 11, lines 1-5 and column 10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to compensate the resistance and capacitance measurements of Sakai et al (JP 5-116571) and JP 8-094684 as known in the art and further demonstrated by Lew et al to ensure accurate measurements and abnormality determination, thereby improving the safety of the system.

Response to Arguments

Applicant's arguments filed 12/11/2006 have been fully considered but they are not persuasive.

It is maintained that Yoshinari teaches a voltage increase from the start of charging until and predetermined value. This can be considered "a voltage increase when charging is started" as recited by the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T. King whose telephone number is (571)-272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BTK

 5/3/07
BRADLEY KING
PATENT EXAMINER